IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2201 of 2005

Between:

Md. Pasha, Occupation: Driver,
APSRTC, Suryapet, Nalgonda District.

..... PETITIONER

AND

The Regional Manager, APSRTC, Nalgonda Region,
Nalgonda, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions, more in the nature of *Writ of Mandamus*, declaring the proceedings of the respondent No.PA/20(45)/02-R.M: NLG dated 26-3-2003 as illegal, and arbitrary and set aside the same with a direction to the respondent to reconsider the review petition filed by the petitioner and reduce the punishment.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

For declaring the action of the respondent in issuing the proceedings No.PA/20(45)/02-R.M.: NLG, dated 26.03.2003 imposing the punishment of deferment of Annual Increment for a period of two years with cumulative effect,

the present writ petition is filed.

2. The facts are not in dispute. The learned counsel for the petitioner contended that instead of reducing the punishment by the Regional Manager, who is the Review Authority, enhanced the punishment having observed to reduce the penalty, and, therefore, the petitioner seeks a direction may be given to the Regional Manager to pass appropriate orders.

3. The learned counsel appearing for the respondents opposed the same.

4. As can be seen from the material on record, apparently, in the departmental enquiry, the petitioner was charge sheeted having caused a fatal accident on 29.06.2000 at Kudakuda village resulting a death of 14 years boy. After due enquiry, the Depot Manager imposed penalty of reduction of pay by two incremental stages for a period of two years. Against the orders passed by the Depot Manager, Suryapet, the petitioner preferred an appeal before the Divisional Manager, Suryapet. The Divisional Manager after having gone through the material, he imposed the punishment by reducing of pay by one incremental stage for one year, which shall have effect on the future increments. Aggrieved by the orders of the Divisional Manager, the petitioner preferred review petition before the Regional Manager, Nalgonda. Having gone through the entire material on record, the Regional Manager is inclined to reduce the penalty, but, to impose the penalty of deferment of annual increment for a period of two years with cumulative effect. It is nothing but an enhancement of punishment. Therefore, the order under challenge is set aside and remanded back to the Regional Manager, Nalgonda to reconsider the review petition.

Having regard to the facts and circumstances of the case, it is just and proper to direct the respondent to reconsider the review petition and pass appropriate orders after affording a reasonable opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of at the admission

stage. No order as to costs.

_____

(K.C. BHANU, J)

Date: 10.02.2005.

Ksn

ASSISTNANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Manager, APSRTC, Nalgonda Region,
Nalgonda, Nalgonda District.

2. 2 CD copies

*Form-NIC-OGS/WP{**RS**}*